IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

RP.No. 684 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.20735/2007 Dated 11/07/2007

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REVIEW PETITIONER/RESPONDENT NO.4

KUDUKKAN AHAMMED, PULLATTU CHALIL HOUSE,
KUMMINIPARAMBU P.O., KONDOTTY, MALAPPURAM
DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: PETITIONER & RESPONDENTS 1 TO 3

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1. KUNHALAN KUTTY K.C., AZHUVALAPPIL HOUSE,
KUMMINIPARAMBU P.O., KONDOTTY, MALAPPURAM
DISTRICT.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. THE REVENUE DIVISIONAL OFFICER,
TIRUR, MALAPPURAM DISTRICT.

4. PALLIKKAL PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
PALLIKKAL P.O., KONDOTTY,
MALAPPURAM DISTRICT.

R1 BY ADV. SRI. V.P. MOHAMMED NIYAZ.
SRI. M. MOHAMMED SHAFI.

R2 & R3 BY SR. GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 24/07/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.M.JOSEPH, J.

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R.P.684 OF 2007 IN WP.(C) No. of 2007

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Dated this the 24th day of July, 2007

ORDER

This review petition is filed by the fourth respondent in the writ petition. The writ petition was disposed of taking note of the submission on behalf of the third respondent Panchayat that action was indeed taken in the matter and stop memo was issued to the fourth respondent calling upon the fourth respondent to stop the construction. The court found that there was no appearance for the fourth respondent and finding that the third respondent has already initiated action and issued stop memo, the writ petition was disposed of recording the submission of the third respondent.

2. In the review petition, the case of the review petitioner is that the matter could not be taken note of as the case was posted on 11.7.2007 as item No.463, it was noted as 436 and that when the matter was taken up, representation could not be made. It was the case of the petitioner that the building having seven separate apartments was constructed thirty years back, much prior to the Panchayat Raj Act, 1994. He relies on Annexures A and B to show that he was paying

building tax in respect of seven apartments. It is his case that the writ petition is a collusive affair between the writ petitioner and the Panchayat. It is his case that no stop memo is issued and it is stated that notice was issued on 16.7.2007 to demolish the building within three days, even though there is no such direction to do so.

3. I heard learned counsel for the parties. Learned counsel for the writ petitioner would point that the submission that the construction has six floors was a mistake. But learned counsel for the Panchayat points out that the action was fully justified and there is no ground for review. Now a notice has been issued to the review petitioner calling upon to demolish within three days.

I feel that interests of justice will be secured by issuing the following direction:

The review petitioner will be given an opportunity to file his objections to the notice within a period of one week from today and after affording an opportunity of hearing to the review petitioner a decision will be taken, wherein it will be open to the petitioner to rely on Annexures A and B also. It is further ordered that if the decision is

adverse to the petitioner, it will be kept in abeyance for a period of five days.

The Review Petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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